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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,788	10/12/2001	Peter Baeuerle	10744/7600	2206

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KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

BROADHEAD, BRIAN J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/976,788	BAEGERLE, PETER
	Examiner	Art Unit
	Brian J. Broadhead	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 October 2001 .

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 October 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 7 recites the limitation "the performance figure" in line 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 through 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowan et al., 5029087.
3. As per claims 1 and 11, Cowan et al. disclose the slip of the torque converter is adjusted using a setpoint value, while the torque-converter lockup clutch is being closed, the setpoint value being continuously selected inside a closing interval, as a function of time, and taking into account the input torque applied to the torque converter on lines 30-38, on column 4.

4. As per claim 2, Cowan et al. disclose for the time-dependence of the setpoint value, a pre-selected time characteristic is taken into account, which converts the slip existing at the beginning of the closing interval as the initial value, into a target value, within the closing interval on lines 37-65, on column 14, and in figure 6A.
5. As per claim 3, Cowan et al. disclose a linear transition from the initial value to the target value is provided as a time characteristic inside the closing interval in Figure 6A.
6. As per claim 4, Cowan et al. disclose the input torque applied to the torque converter is monitored inside the closing interval, in response to the input torque changing by more than a specifiable tolerance deviation, the slip of the torque converter being ascertained and taken as a basis for a new initial value, which would appear at this input torque in the case of a completely open torque-converter lockup clutch on lines 5-11, on column 4.
7. As per claim 5, Cowan et al. disclose the value resulting from the preselected time characteristic for the current time inside the closing interval is selected as the setpoint value for the slip, the time characteristic converting the initial value ascertained using the currently applied torque into the target value on lines 1-40-, on column 13.
8. As per claims 6 and 7, Cowan et al. disclose the slip to be used as a new initial value, as a basis for the applied input torque is determined using a stored characteristic map in figure 9.

9. As per claims 8 and 12, Cowan et al. disclose in order to adjust the slip, a controlled parameter is provided for setting a clamping pressure for the torque converter on lines 38-45, on column 6.

10. As per claim 9, Cowan et al. disclose the time characteristic of the slip is monitored for a decline, in order to detect the start of power transmission in the torque converter lockup clutch on lines 2-5, on column 9.

11. As per claim 10, Cowan et al. disclose after a decrease in the slip detected, a clamping pressure for the torque converter is set as a function of a coupling torque to be transmitted and a setpoint value for the slip of the torque converter lockup clutch on lines 52-57, on column 8.

12. As per claims 13, 14, and 15, Cowan et al. disclose the control unit is connected to a data storage unit, in which a time characteristic for the setpoint value of slip is stored, a slip existing at the beginning of a closing interval as an initial value being converted into a target value within the closing interval, in accordance with the time characteristic for the setpoint value of the slip, and a slip value can be derived for each input torque, on lines 37-64, on column 14, and reference number 71 in figure 2A.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Noda et al., 6290626, disclose controller for use with automatic transmission provided with lockup mechanism and memory medium storing method for control of automatic transmission.

15. Kosik et al., 6358186, disclose apparatus and method for controlling a torque transmitting system.

16. Salecker et al., 6386351, disclose method for regulating the transmission of torque in power trains.

17. Noda et al., 6390950, disclose controller for use with automatic transmission provided with lockup mechanism and memory medium storing method for control of automatic transmission.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB  
April 20, 2003



WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600